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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

SAMS, MATTHEW C

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

12/11/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/810,499	<b>Applicant(s)</b> TSUDA ET AL.	
	<b>Examiner</b> MATTHEW SAMS	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 5,7-9 and 12-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5,7-9 and 12-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statements filed on 8/14/2008 and 9/9/2008 have been considered.

### ***Response to Amendment***

2. Claims 5, 7, 8, 9, 13, 17, 18, 30, 33, 34 and 40-42 have been amended. Claim 6 has been canceled.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 5, 7-9 and 12-42 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5, 8, 9, 12, 16, 18, 20, 22-27, 29-32 and 35-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurokawa et al. (US-7,016,706 hereinafter, Kurokawa) in view of Alford (US-5,634,196).

Regarding claim 5, Kurokawa teaches a terminal device (Fig. 1) which can multitask (Fig. 9), comprising:

a processor (Fig. 1 [200a]) configured to execute an operating system and to detect one of a predetermined set of events (Fig. 7 [704] and Col. 4 lines 26-34) that cause operation of an application to suspend (Col. 8 lines 1-3), the processor operable to generate event data indicative of a cause of suspension of the application program; (Fig. 6 [6j & 6n])

the processor further configured to suspend operation of an application program operable within the operating system when an event is detected; (Col. 8 lines 1-3 and Fig. 7 [704]) and

means for storing a plurality of event data indications; (Fig. 6 [6j & 6n] and Fig. 1 [140]) and

wherein the processing means is further configured to resume operation of the application program suspended by the processor (Fig. 6 [6k]), and the event data indications each represent respective events between a start of suspension of operation of the application program and resumption of operation of the application program at an end of the suspension. (Fig. 6 [6j])

Kurokawa differs from the claimed invention by not explicitly reciting the processor is further configured to deliver at least one of the stored event data indications to the resumed application program, wherein operation of the resumed application program is configured to adjust in accordance with the at least one of the event data indications to be responsive to the cause of the suspension.

In an analogous art, Alford teaches a method, system and device that enables a user to view the call history to a mobile device. (Col. 3 lines 58-60) At the time the invention was made, it would have been obvious to one of ordinary skill in the art to be motivated to substitute the running of the moving picture reproduction program of Kurokawa with the displaying call history of Alford since Kurokawa already enables a user to view missed calls during multi-tasking (Kurokawa Fig. 6 [6j]), therefore it is obvious that a user would be able to view the call history at any desired time.

Kurokawa in view of Alford teaches processor is further configured to deliver at least one of the stored event data indications to the resumed application program, wherein operation of the resumed application program is configured to adjust in accordance with the at least one of the event data indications to be responsive to the cause of the suspension. (If a user is viewing the call history and is interrupted by a call, when the user resumes viewing the call history, the call history will be changed by showing at least the interrupting call)

Regarding claim 8, the limitations of claim 8 are rejected as being the same reason set forth above in claim 5.

Regarding claim 9, the limitations of claim 9 are rejected as being the same reason set forth above in claim 9.

Regarding claim 12, Kurokawa in view of Alford teaches wherein instructions stored in the memory to generate a message comprise instructions stored in memory to generate a query to a user that is related to the first predetermined event. (Kurokawa Fig. 8 [82] and Fig. 9 [85])

Regarding claim 16, Kurokawa in view of Alford teaches the first predetermined event comprises receipt by the terminal device of an email or a call request. (Kurokawa Fig. 6 [6d])

Regarding claim 18, Kurokawa in view of Alford teaches wherein the application is a first application, and the first predetermined event comprises execution of a second application by the first application. (Kurokawa Fig. 6 [6c, 6d & 6j])

Regarding claim 20, Kurokawa in view of Alford teaches the second predetermined event comprises a user command. (Kurokawa Fig. 6 [6f & 6g])

Regarding claim 22, Kurokawa in view of Alford teaches the second predetermined event comprises completion of the first predetermined event. (Kurokawa Fig. 6 [6e])

Regarding claim 23, Kurokawa in view of Alford teaches instructions stored in memory to suspend the application comprises instructions stored in the memory to, during the suspension, maintain application related data in volatile memory that was input by a user prior to suspension. (Kurokawa Fig. 2 [2a & 2b], Col. 8 lines 22-28)

Regarding claim 24, Kurokawa in view of Alford teaches instructions stored in memory to suspend the application comprises instructions stored in memory to maintain the suspended application in volatile memory during the suspension. (Kurokawa Col. 8 lines 22-30)

Regarding claims 25, 26 and 36, Kurokawa in view of Alford teaches the limitations of claims 5 and 9 above, but differs from the claimed invention by not explicitly reciting the use of a flag, an identifier or storing the identifier in a table.

Art Unit: 2617

However, one of ordinary skill in the art would recognize the use of flags, identifiers and organizing information in tables as being well known in the art and easily implemented in software design, therefore the rejection of claims 25, 26 and 36 are maintained as being obvious in view of the specific citations related to claims 5 and 9 above.

Regarding claim 27, Kurokawa in view of Alford teaches instructions stored in memory to store the application in volatile memory when the application is launched, and instructions stored in memory to suspend the application comprises instructions stored in memory to maintain the application in the volatile memory until execution is resumed. (Kurokawa Col. 8 lines 22-30)

Regarding claim 29, Kurokawa in view of Alford teaches a display means for displaying information to a user (Kurokawa Fig. 5 [171]), the display means operable to display a message related to the cause of the suspension (Kurokawa Fig. 6 [6j]), the resumed application program operable to generate the message in response to receipt of the delivered stored event data. (Alford Col. 3 lines 58-60: If a user is viewing the call history and is interrupted by a call, when the user resumes viewing the call history, the call history will be changed by showing at least the interrupting call)

Regarding claim 30, the limitations of claim 30 are rejected as being the same reason set forth above in claim 23.

Regarding claim 31, Kurokawa in view of Alford teaches the resumed application program is configured to generate a message to notify a user of the cause of the suspension based on the stored event data. (Kurokawa Fig. 6 [6j])

Regarding claims 32 and 38, the limitations of claims 32 and 38 are rejected as being the same reasons set forth above in claim 16.

Regarding claim 35, Kurokawa in view of Alford teaches the data related to the application program that is input by the user remains in random access memory after operation of the application program is suspended. (Kurokawa Fig. 6 [6a & 6b] and Col. 8 lines 22-30)

Regarding claim 37, the limitations of claim 37 are rejected as being the same reason set forth above in claim 35.

Regarding claim 39, the limitations of claim 39 are rejected as being the same reason set forth above in claim 35.

Regarding claims 40-42, Kurokawa in view of Alford teaches the limitations of claims 5, 8 and 9 above, but differs from the claimed invention by not explicitly reciting the use of a flag, an identifier or storing the identifier in a table. However, one of ordinary skill in the art would recognize the use of flags, identifiers and organizing information in tables as being well known in the art and easily implemented in software design, therefore the rejection of claims 40-42 are maintained as being obvious in view of the specific citations related to claims 5, 8 and 9 above.

6. Claims 7, 13-15, 17, 19, 21, 28, 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurokawa in view of Alford and Monnes et al. (US-6,459,440 hereinafter, Monnes).

Regarding claim 7, Kurokawa in view of Alford teaches a means for communicating via a communication network (Kurokawa Fig. 1), and wherein:



the processor is further configured to suspend operation of the application program (Fig. 6 [6d]) when the means for communicating receives a call designating a user of the terminal device. (Fig. 6 [6c & 6d]) Kurokawa in view of Alford differs from the claimed invention by not explicitly reciting the suspension occurs because a message is received.

In an analogous art, Monnes teaches receiving short messages and accumulating the number of messages received. (Col. 1 lines 44-61) At the time the invention was made, it would have been obvious to one of ordinary skill in the art to be motivated to implement the terminal device of Kurokawa in view of Alford after modifying it to incorporate the receiving of short messages of Monnes since using short messages for communications on a mobile device is well known in the art. (Col. 1 line 44-61)

Regarding claim 13, Kurokawa in view of Alford and Monnes teaches wherein the application is a first application, and instructions stored in the memory to generate a message comprises instructions stored in memory to generate a query to a user to launch a second application to attend to the first predetermined event. (Monnes Fig. 2 [21] "Read now" and Kurokawa Fig. 6 [6d & 6h])

Regarding claim 14, Kurokawa in view of Alford and Monnes teaches the message comprises an audio message. (Kurokawa Fig. 6 [6c & 6d])

Regarding claim 15, Kurokawa in view of Alford and Monnes teaches the message comprises a text message. (Monnes Fig. 2 [10 & 19])

Regarding claim 17, Kurokawa in view of Alford and Monnes teaches the first predetermined event comprises receipt or transmission by the terminal device of data via a short range transmission comprising Bluetooth transmission or infrared transmission. (Monnes Col. 1 lines 44-61 and Col. 5 line 17)

Regarding claim 19, the limitations of claim 19 are rejected as being the same reason set forth above in claim 6.

Regarding claim 21, Kurokawa in view of Alford and Monnes obviously teaches the second predetermined event comprises expiration of a determined time period since the notification of an incoming call only occurs for a specified period before the call is directed to a voicemail service.

Regarding claim 28, Kurokawa in view of Alford and Monnes teaches instructions stored in memory to delete the stored event data when execution of the application is resumed. (Monnes Col. 5 lines 35-49)

Regarding claim 33, Kurokawa in view of Alford and Monnes teaches the response to the event being receipt of an email message, the processor is further configured to resume operation of the suspended application program after a specified time has elapsed following display of the message. (Monnes Fig. 6 [56, 58, 62 and 64])

Regarding claim 34, Kurokawa in view of Alford and Monnes teaches the processor is further configured to generate difference messages that originate from the resumed application program dependent on the cause of the suspension. (Monnes Fig. 1 [19] and Col. 1 lines 57-61 and Kurokawa Fig. 6 [6j])

***Response to Arguments***

7. Applicant's arguments with respect to the independent claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **MATTHEW SAMS** whose telephone number is (571)272-8099. The examiner can normally be reached on M-F 8-6.

Art Unit: 2617

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MCS

12/8/2008

/Lester Kincaid/

Supervisory Patent Examiner, Art Unit 2617